REMARKS

In response to the rejection of claims 8 and 16 under 35 U.S.C. §112, second paragraph, they are being amended to substitute other terminology for the objected term "type." Reconsideration of the claims as amended is requested.

Claims 8 – 15

Independent claim 8 and its dependent claims 9, 12, 13 and 15 have been rejected under 35 U.S.C. §102(e) over U.S. patent no. 6,309,275 ("Fong"), and dependent claims 10, 11 and 14 have been rejected under 35 U.S.C. §103(a) over a combination of the Fong patent and U.S. patent 5,963,624 ("Pope"). Reconsideration of these rejections is respectfully requested in light of the following remarks.

Nothing has been found in the Fong patent to suggest the claimed receiver that responds to wireless signals of various protocols used with various pieces of audio-video equipment, in order for the device to carry out a specific function. Indeed, the contrary appears to be expressly stated in column 13, lines 60 – 64, and in the discussion extending through line 44 of column 14. The receiver described by this portion of the Fong patent must be programmed to respond to signals of a given protocol from a particular remote control unit. Claim 8, on the other hand, defines a receiver within a device other than audio-video equipment that can respond to any one signal of a plurality of different signal protocols. No programming of the receiver to learn the protocol signals of a single remote control being used is required by the claimed device. Claim 8 defines the device receiver to respond to signal protocols of any of a plurality of remote controls while the Fong patent describes its device receiver to respond to only one remote control signal protocol, the one protocol that has been programmed into the receiver in advance.

All of claims 8 – 15 are believed to be patentable for this reason. The Pope patent is cited in the Office Action in combination with the Fong patent for rejecting certain of the dependent claims on the ground of obviousness. It is not seen that the Pope patent suggests what is defined in claim 8 that is missing from the Fong patent, namely a device other than audio-video equipment that can receive and act upon signals from various remote controls that have different protocols. To the contrary, the various devices in

Figure 1, such as the "other appliance" 22, are described to receive and act upon a single remote control signal protocol. Rather than such devices having the capability of receiving and acting upon signals having different protocols, as claimed, the base unit 12 appears to emit the one signal that each of the devices can recognize.

The rejection of dependent claims 10, 11 and 14 as obvious over the Fong and Pope patents is therefore respectfully submitted to not be well taken. Additionally, neither of these references suggests the use of a remote control of audio-visual equipment to control the sound emitted by a device other than audio-video equipment, as defined by claims 10 and 11. The Pope patent, cited for that proposition, appears to control the sound of audio-visual equipment such as a TV and CD player and not some other device as claimed. Indeed, the Office Action appears to say this on page 4, in the middle of the page, when describing this to be a deficiency of the disclosure of the Pope patent as applied to claim 1. Nothing appears to be suggested in either of the cited Fong or Pope references for controlling the sound of a device other than audio-video equipment.

Claims 1 – 7

Independent claim 1 and its dependent claims 2, 3, 4 and 7 have been rejected under 35 U.S.C. §103(a) over a combination of the Pope patent and U.S. patent no. 5,349,639 ("Goodrich"), and claims 5 and 6 rejected over a combination of all 3 of the Pope, Goodrich and Fong patents. Reconsideration of these rejections is respectfully requested in light of the following remarks.

What is claimed is a method including the use of a mute button of an audio-video equipment remote control to mute the sound of some device other than audio-video equipment, such as a toy. The primary Pope patent reference ".. is not explicit in teaching the use of the remote control to mute the audio signal of non audio-video device." *Office Action, middle of page 4.* The secondary Goodrich patent reference is cited in the Office Action as suggesting this but such a suggestion was not specifically pointed out, nor can any be found. Rather, Goodrich describes a device for attenuating the sound of an audio-video device in response to the telephone ringing. A stereo system, clearly an audio-video device, is given in Goodrich as the device whose sound is being attenuated. Therefore, no suggestion is found in either of the cited Pope or Goodrich

patents, either alone or together, for controlling the sound of a device other than audio-video equipment with a mute button of a remote control for audio-video equipment.

Dependent claims 2 – 7 are believed to be patentable for this same reason. The third reference cited in combination against claims 5 and 6, namely the Fong patent, does not provide the disclosure that is missing from the Pope and Goodrich patents.

In addition, claim 2 recites the simultaneous control of the sound of an audio-video device and a device not an audio-video device by a mute button on a remote control of the audio-video device. Although Goodrich describes simultaneous control of two audio sources, there is no suggestion that one of them is not an audio-video device, nor does the Office Action contend otherwise.

Further, with respect to claims 5 and 6, the third Fong reference discloses a stuffed animal toy without sound and an inanimate device with sound (such as a musical instrument) but it is not clear that a stuffed animal toy with sound was contemplated. In any event, no suggestion has been found in Fong that would suggest combining with other references alleged to disclose muting sound of a toy with the mute button of a remote control.

Claims 16 – 18

Claims 16 – 18 have been rejected under 35 U.S.C. §103(a) over a combination of the Fong and Pope patents. This rejection is respectfully traversed.

Although the Fong patent contemplates a toy, such as a musical instrument, that emits sounds, nothing has been found in the Fong patent to suggest the claimed receiver in a toy that responds to wireless signals of various protocols corresponding to various pieces of audio-video equipment, in order for the toy to carry out a specific function. Rather, the contrary appears to be expressly stated in col. 13, lines 60 – 64, and in the discussion extending through line 44 of col. 14. The receiver described by this portion of the Fong patent must be programmed to respond to signals of a given protocol from a particular remote control unit. Similarly to claim 8 discussed above, claim 16 defines a receiver within a device other than audio-video equipment that can respond to any one of a plurality of different signal protocols. And there seems to be no uncertainty that the

Fong patent omits any reference to the use of a mute button on a remote control to mute the sound of a toy.

It is not seen how the secondary Pope patent would have suggested a toy with a receiver that muted the toy sound in response to a mute signal from a remote control of an audio-video device. Pope describes muting audio-video equipment, the usual use of the mute function of a remote control. It is respectfully submitted that the claimed use of the mute function with something other than audio-video equipment, namely a toy, is not rendered obvious by Pope.

In summary, it is submitted that the cited Fong patent reference omits disclosure of (1) a receiver that respond to signals from a plurality of remote controls, and (2) use of the mute function with such a receiver in a toy. The Pope patent was cited to render obvious the modification (2) of Fong, believed not well taken for the reasons given above, but neither of the cited references suggests the feature (1).

New Claims

Claims 19 – 23 are being cancelled and new claims 24 – 28 added in their place. Independent claim 24 includes storage of a library of audio-video remote control signal patterns to which a signal received by apparatus other than audio-video equipment is matched. A control signal corresponding to the matched signal is then applied to control a function of a component of the apparatus, such as of a sound source of a toy. The cited U.S. patent no. 5,386,251 ("Movshovich") lacks both the claimed library of audio-video equipment signal patterns and the control of apparatus of other than audio-video equipment. Rather, Movshovich includes a learning remote receiver in a television set.

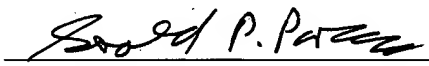
Rather than including a library of various audio-visual equipment remote signal patterns with which an incoming signal from any of a plurality of remote controls is compared for use, as claimed, the system of Movshovich requires that the receiver first be trained to recognize the signals from any particular remote control. A receiver that must be trained would have limited usefulness with apparatus other than audio-video equipment, with which any of a variety of remote controls of audio-video equipment are desirably operable without the necessity of training. The cited U.S. patent no. 6,121,893 ("Park") does not suggest any modification of the Movshovich system to include the

library of audio-video equipment signals in non-audio-video apparatus but rather is cited for its infra-red receiving photo-detector disclosure.

Conclusion

Accordingly, it is believed that this application is now in condition for allowance and an early indication of its allowance is solicited. However, if the Examiner has any further matters that need to be resolved, a telephone call to the undersigned attorney at 415-318-1160 would be appreciated.

Respectfully submitted,



May 14, 2003

Gerald P. Parsons
Attorney for Applicants
Reg. No. 24,486
PARSONS HSUE & DE RUNTZ LLP
655 Montgomery Street, Suite 1800
San Francisco, CA 94111
(415) 318-1160
(415) 693-0194 fax

Date